



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,388	12/02/1998	STEVEN JECHA	685.003US1	5458

7590

12/02/2002

Robert Dulaney  
VistaPrint USA Incorporated  
204 Second Avenue  
Waltham, MA 02451

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

17

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/204,388

Applicant(s)

JECHA ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 62-105 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 62-105 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

Art Unit: 3624

### **DETAILED ACTION**

1. Claims 62-105 are pending. Claims 62, 66, 79, 95, 101, 104, and 105 have been amended in this communication filed 09/10/02, entered as Amendment B, paper no. 16.
2. The Revocation of Power of Attorney filed 07/08/02 has been entered as paper no. 15.
3. The claim objections to claims 62 and 101 has been overcome by Applicants' deleting the clause objected to in claim 62 and the amendment to claim 101 and is hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 62-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grasso et al (US 5,892,909), hereafter Grasso.

With respect to claim 62, Grasso teaches, storing on a server computer system a computerized prepress software system (col. 13, lines 1-26 and col. 15, lines 55-67), the prepress software system includes a downloadable document authoring program (col. 16, lines 53-67 and col. 17, lines 1-25) having one or more authoring tools used to author an electronic document (col. 20, lines 47-67 and col. 21, lines 1-15); wherein the downloaded program executes in a web browser and displays the electronic document

Art Unit: 3624

in WYSIWYG form to the user and at least one of the authoring tools has one or more functions that allows a user to select and edit at least one element of the electronic document while at least a portion of the electronic document is simultaneously displayed (col. 20, lines 26-66 and col. 24, lines 36-46); the software system further configured to provide at least one of the authoring tools is adapted to edit an element of the electronic document using the client computer and that the electronic document is uploaded to the server computer system in a form allowing a translation component to create a prepress format file so that when the prepress format file is used to produce a document the document is consistent with the WYSIWYG form displayed to the user on the client computer and so that the user need only be concerned with authoring the electronic document and not with the creating a prepress format file, and further so that the authored electronic document can be processed by the server computer system into a prepress format file (col. 22, lines 46-63, col. 24, lines 1-16, col. 26, lines 10-26, and col. 29, lines 17-45); downloading the authoring program from a server computer system to the client computer (col. 2, lines 38-50), the user using the authoring tool of the downloaded program at the client computer to edit an element of an electronic document (col. 25, lines 25-44 and col. 26, lines 2-27). Grasso did not teach, uploading the electronic document to the server computer system but it would be obvious to one having ordinary skill in the art at the time the invention was made to upload the electronic document to the server computer system and to incorporate in Grasso's system uploading the electronic document to the server computer system because such a modification in Grasso would make it is easier for the user to upload the

Art Unit: 3624

document and to send the document to the printer when it is translated from a programming instruction format to a printer ready format.

With respect to claim 63, Grasso teaches, the client computer and server computer system are coupled through the Internet (col. 3, lines 31-52).

With respect to claim 64, Grasso teaches, the client computer and server computer system are coupled through an Intranet (col. 7, lines 32-40).

With respect to claim 65, Grasso did not teach, the client computer and the server computer system are coupled through an Extranet, but it would be obvious to one having ordinary skill in the art of Extranets at the time the invention was made to have a the Extranet coupled to the client and server computer and to modify in Grasso's system to have the client computer and the server computer system to be coupled through the Extranet because such a modification would allow the Extranet when it communicates properly with the Intranet to allow customers and suppliers to gain limited access to an organization's Intranet which enhances the speed and efficiency of their business relationship.

With respect to claim 66, Grasso teaches, comprising the additional steps of sending log-on information regarding a user from a client computer to the server computer systems over the Internet and authenticating the user at the server computer system (col. 25, lines 14-24 and figure 13A (1301), col. 15, lines 49-67, col. 18, lines 66-67, and col. 19, lines 27-30).

Art Unit: 3624

With respect to claims 67 and 90, the authoring program ... is coded in a language selected Java and Active X (col. 12, lines 3-19). Grasso did not explicitly teach the client computer being coded in Perl, C++, or C, but it would be obvious to a person of ordinary skill in the art of programming languages at the time the invention was made to have an authoring program coded in Perl, C++, and C and to incorporate a client computer being coded in Perl, C++, or C because such a modification would allow Grasso's system to have a more powerful programming language since Perl has powerful string-handling features for extracting information from text files and this feature makes Perl an excellent report language when coupled with C++, C, and other Unix utilities.

With respect to claims 68 and 91, Grasso did not explicitly teach, the document being selected from a group comprising a business card, a letterhead, an envelope, and a brochure, but it would be obvious to one having ordinary skill in the art of documents at the time the invention was made to have a business card, a letterhead, an envelope, and a brochure and to incorporate in Grasso because such a modification in the business world with the combination of business cards, letterhead, envelopes and brochures would allow Grasso to advertise the names of organizations and individuals who enhance customer and supplier relations.

With respect to claims 69 and 92, Grasso did not explicitly teach, the authoring program comprises a color palette area ..., but it would be obvious to one having ordinary skill in the art of color palettes at the time the invention was made to have a color palette for selecting colors to incorporate in Grasso because such a modification

Art Unit: 3624

would allow the creation of business cards, letterhead, envelopes, and brochures using different colors enhancing the appearance of the paper and making it more pleasing to the customer or supplier when marketing goods and services.

With respect to claim 70, Grasso did not explicitly teach, the palette of colors comprises Pantone, Toyo, Focaltone, and Tru-match, but it would be obvious to one having ordinary skill in the art of color palettes at the time the invention was made to have a color palette with Pantone, Toyo, Focaltone, and Tru-match because these colors are well known in the art to one having ordinary skill in the art at the time the invention was made according to the Applicant's Specification page 11 and Pantone, Toyo, Focaltone, and Tru-match are the color attributes used in bar and pie charts and documents for highlighting part of the document.

With respect to claim 71, Grasso did not explicitly teach, using the authoring program at the client computer to create a document, sending the text from the client computer to the server computer ..., but it would be obvious to one having ordinary skill in the art of document creation at the time the invention was made to send text from a client computer to a server computer for translation into an image and to incorporate in Grasso because such a modification would allow the user to create the document and send it to the server and have the program code translated into an image which the user can receive back again as an image.

With respect to claim 72, Grasso did not explicitly teach, the image being in a format selected from a group comprising GIF, TIFF, and JPEG. Grasso taught GIF in column 17, lines 2-9, but Grasso did not teach TIFF or JPEG. It would be obvious to

Art Unit: 3624

one having ordinary skill in the art of images at the time the invention was made to select a format in TIFF and JPEG and to incorporate in Grasso because such a modification would enhance Grasso's system to have a TIFF format which is considered to be a standard file format used with the storage of graphic images and may be the only format available for using older programs (such as older versions of MacPaint) and JPEG is the standard for storing compressed images and would allow Grasso's system to use less storage space.

With respect to claim 73, Grasso did not explicitly teach, the image has a maximum resolution of 4:1, but it would have been obvious to one having ordinary skill in the art of images at the time the invention was made to have an image with a maximum resolution of 4:1 because it is well known in the art to one having ordinary skill in the art at the time the invention was made according to Applicant's Specification on page 12 to have a ratio of a maximum image resolution of 4:1 and to translate this resolution into a desirable GIF image file format.

With respect to claim 74, Grasso did explicitly not teach, one of the image formats is selected from a group comprising encapsulated PostScript, TIFF, GIF, and JPEG. Grasso taught encapsulated PostScript (Appendix A (69), lines 9-13) and GIF (column 17, lines 2-9). It would have obvious to one having ordinary skill in the art of images at the time the invention was made to select a format in encapsulated PostScript, TIFF, GIF, and JPEG and to incorporate in Grasso because such a modification would allow Grasso to use encapsulated PostScript as a page-description language, TIFF format as a standard file format for the storage of graphic images and



Art Unit: 3624

which may be the only format available for using with older programs (such as older versions of MacPaint), and using GIF as a file extension to identify bit map images, and JPEG as a standard for storing compressed images and using less storage space in the computer system.

With respect to claim 75, Grasso did not explicitly teach, one of the images has a maximum resolution of 1:1, but it would have obvious to one having ordinary skill in the art of images at the time the invention was made to have a maximum resolution because it is well known in the art according to Applicant's Specification on page 10 to have a ratio of a maximum image resolution of 1:1 and to translate the image resolution into a desirable image file format.

With respect to claims 76 and 93, a different format is selected from a group comprising PostScript, HTML, PDF, and PostScript Extreme. Grasso taught the different format being in PostScript (col. 21, lines 4-13) and HTML (col. 24, lines 47-55). Grasso did not explicitly teach the format being in "PDF" or "PostScript Extreme," but it would have been obvious to one having ordinary skill in the art of formats at the time the invention was made to have formats in PostScript, HTML, PDF, and PostScript Extreme and to incorporate in Grasso because such a modification would allow Grasso to use PDF as a file extension which is used to identify documents that are encoded in portable document format which uses the freeware Adobe Acrobat Reader to be able to display or print a file with the .pdf extension and PostScript Extreme is Adobe's latest page description language and in this combination makes it possible for a user to create, store, save and access a variety of documents with images.

Art Unit: 3624

With respect to claim 77, Grasso teaches, distributing the prepress format file to a location remote from the server computer system for printing at the remote location (col. 21, lines 4-14).

With respect to claim 78, Grasso did not explicitly teach, the electronic mail is MIME-compliant, but it would have been obvious to one having ordinary skill in the art at the time the invention was made and in view of Grasso's teaching of electronic mail using the Internet and Intranet (as taught in the background section, columns 2-4) for the electronic mail to be MIME compliant because both web browsers and HTTP servers use MIME to interpret e-mail files they send and receive over the Internet or Intranet.

With respect to claim 79, Grasso teaches, wherein the downloaded program executes in a web browser of a client computer and displays the electronic document in WYSIWYG form to the user, and at least one of the authoring tools has one or more functions that allows a user to select and edit at least one element of the electronic document while at least a portion of the electronic document is simultaneously displayed (col. 11, lines 54-67 and col. 12, lines 1-29).

This independent claim is rejected for the similar rationale given for claim 62.

With respect to claim 80, Grasso teaches, the server, clients and the printer are coupled to one another through the Internet (col. 9, lines 38-42 and col. 17, lines 11-22).

With respect to claim 81, Grasso teaches, the server, the client and the printer are coupled through an Intranet (col. 7, lines 1-30 and col. 6, lines 49-54).

Art Unit: 3624

With respect to claim 82, Grasso did not explicitly teach, the server, the client and the printer are coupled through an Extranet, but it would have been obvious to one having ordinary skill in the art of Extranets at the time the invention was made to have a client, a server, and a printer and to incorporate in Grasso because such a modification would give Grasso's system the ability for the Extranet when it communicates properly with the Intranet to allow customers and suppliers to gain limited access to an organization's Intranet which enhances the speed and efficiency of their business relationship.

With respect to claim 83, Grasso teaches, the server comprises an Internet world-wide-web server (col. 2, lines 54-64).

With respect to claim 84, Grasso did not explicitly teach, the server comprises an Intranet world-wide-web server, but it would have been obvious to one having ordinary skill in the art at the time the invention was made and in view of Grasso's teaching of the Internet and Intranet (as taught in the background section, column 3, lines 2-9) because the Intranet uses Internet protocols, tools, and applications within a corporate environment. Intranet applications as they evolve, become information-centric solutions to corporate business problems with business applications web servers.

With respect to claim 85, Grasso did not explicitly teach, the server comprises an Extranet World-Wide-Web server, but it would have been obvious to one having ordinary skill in the art of Extranets at the time the invention was made to have a world-wide-web server and to incorporate in Grasso because such a modification would allow the Extranet when it communicates properly with the Intranet to allow customers and

Art Unit: 3624

suppliers to gain limited access to an organization's Intranet which enhances the speed and efficiency of their business relationship.

With respect to claim 86, the authoring program runs on the client in an Internet world-wide-web browser program (col. 3, lines 10-31).

With respect to claim 87, the browser program is selected from the group essentially comprising Netscape Navigator and Microsoft Internet Explorer (col. 27, lines 22-34 and col. 24, lines 36-46).

With respect to claim 88, the authoring program runs on the client in an Intranet world-wide-web browser program (col. 3, lines 10-31).

With respect to claim 89, Grasso did not teach, the authoring program runs on the client in an Extranet world-wide-web browser program, but it would have been to one having ordinary skill in the art of Extranets at the time the invention was made to have a world-wide-web browser and to incorporate in Grasso because such a modification would allow the client application to enable a user to view HTML documents on the Extranet when it communicates properly with the Intranet.

With respect to claim 94, Grasso teaches, the printer receives the document from the server via an electronic mail to which the document is included as an attachment (col. 17, lines 11-17 and col. 18, lines 2-12).

With respect to claim 95, a processor (col. 6, lines 30-31), a computer-readable medium (col. 6, lines 33-35), and a communications device (col. 6, lines 44-49). Grasso did not teach, an operating environment program comprising a web browser ... or an authoring program downloaded from a server through a communications device ... or

Art Unit: 3624

an operating environment program, wherein the downloaded program executes in a web browser and displays the electronic document in WYSIWYG form to a user, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have operating environment programs comprising a web browser ... and wherein the downloaded program executes in a web browser and displays the electronic document in WYSIWYG form to a user and to incorporate in Grasso because such a modification would allow a user to create an Internet or Intranet document and to have the document downloaded and then to upload the document or send the document to the server for transferal of a copy of the document to the client for translation of the document into a format to be printed. WYSIWYG is well known in the art of document processing and editing and displaying the result of a printing on a display screen (such a process is called WYSIWYG (What You See Is What You Get)).

This independent claim is also rejected for the similar rationale given for claims 62 and 79.

With respect to claims 96 and 102, the computer-readable medium is selected from a group comprising memory and a nonvolatile storage medium (col. 6, line 30, lines 33-35 and line 60).

With respect to claims 97 and 103, the communications device is selected from a group comprising a modem and a network card (col. 6, lines 35-37).

With respect to claim 98, Grasso did not teach an operating environment program, but Grasso did teach an Internet World-Wide-Web browser in col. 7, lines 33-54.

Art Unit: 3624

With respect to claim 99, Grasso did not teach an operating environment program, but Grasso did teach an Intranet World-Wide-Web browser in col. 2, lines 65-67 and col. 3, lines 1-9.

With respect to claim 100, Grasso did not teach an operating environment program comprising an extranet world-wide-web browser program, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have an operating environment program comprising an extranet world-wide-web browser program and to modify in Grasso because such a modification would allow Grasso to have an extension of a corporate internet using world wide web technology to facilitate communication with the corporation's suppliers and customers enhancing the speed and efficiency of their business relationship.

With respect to claim 101, Grasso teaches, a processor (col. 6, lines 30-31), a computer-readable medium (col. 6, lines 33-35), and a communications device (col. 6, lines 44-49). Grasso did not explicitly teach, an authoring program stored on the computer-readable medium for downloading through the communications device ..., but it would have been obvious to one having ordinary skill in the art of downloading programs and document creation at the time the invention was made to execute the downloaded program from a server and upload a created document to the server and to incorporate in Grasso because such a modification would allow a user to create an Internet or Intranet document and to have the document downloaded and then to upload the document or send the document to the server for transferal of a copy of the document to the client for translation of the document into a format to be printed.

Art Unit: 3624

This independent claim is also rejected for the similar rationale given for claims 62, 79, and 95.

With respect to claim 104, a computer-readable medium (col. 6, lines 33-34 and lines 57-65) having a computer program stored for downloading to a client computer from a server computer system and for execution on the client computer within the client's web browser (col. 11, lines 54-67, col. 12, lines 1-29, and col. 7, lines 1-27). Grasso did not teach, the program comprising means for creating a WYSIWYG document, the program comprising means for creating a document which is uploaded to the server through a communications device for translation to a suitable prepress format and submission to a printer, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a program comprising means for creating a WYSIWYG document, program comprising means for creating a document which is uploaded to the server through a communications device for translation to a suitable prepress format and submission to a printer and to modify in Grasso because such a modification would allow Grasso to have the capability for a user to print a document in a format that is recognized by the printer and the automated distribution fed to other servers running remotely.

With respect to claim 105, Grasso teaches, means for translating the document to a suitable prepress format (col. 12, lines 56-67). Grasso did not teach, means downloadable to a client computer for creating a WYSIWYG document in the client's web browser and sending the document to a printer through a communications device of the server computer system, but it would have been obvious to one having ordinary

Art Unit: 3624

skill in the art of a printer receiving the document at the time the invention was made to have the translation in prepress format and to send the document through a communications device to the server because in order for a user to print a document it should be in a format that is recognized by the printer and the automated distribution feeds to other servers running remotely.

***Response to Arguments***

6. Applicants' arguments filed 09/10/02 have been fully considered but they are not persuasive.

1. Applicants' argue: Grasso neither discloses nor suggests a system that would allow a user to create and edit WYSIWYG documents in a client browser, nothing in Grasso suggests that a Web-based system could be used to create the materials in the first place, and there is no teaching or suggestion in Grasso that an authoring program might be downloaded to run in a web browser where it might be usefully employed to create and display WYSIWYG documents for printing have been considered but are not persuasive because the Examiner interprets Grasso as teaching a user creating and editing documents in col. 3, lines 14-15 and lines 39-50, a client web browser in col. 11, lines 54-56, an authoring program downloaded to run in a web browser in col. 20, lines 26-66 and col. 24, lines 36-46 and a printing device in col. 15, lines 49-67 and col. 17, lines 55-59. Grasso does not teach the documents are WYSIWG documents. However, WYSIWG is well known in the art of document processing and editing and displaying the result of a printing on a display screen (such a process is called WYSIWYG (What You See Is What You Get)).



2. Applicants' argue: there is no notion of browser-based WYSIWG document creation in Grasso, there is similarly no disclosure or suggestion in Grasso of other features in the claim such as an authoring tool "that allows a user to select and edit at least one element of the electronic document while at least a portion of the electronic document is simultaneously displayed" and producing a document that is "consistent with the WYSIWYG form displayed to the user on the client computer" has been considered but are not persuasive because the Examiner interprets Grasso as teaching an authoring tool "that allows a user to select and edit at least one element of the electronic document while at least a portion of the electronic document is simultaneously displayed" in col. 20, lines 26-66 and col. 24, lines 36-46. Grasso does not teach, producing a document that is "consistent with the WYSIWYG form displayed to the user on the client computer". However, WYSIWG is well known in the art of document processing and editing and displaying the result of a printing on a display screen (such a process is called WYSIWYG (What You See Is What You Get)).

In conclusion, a suggestion/ motivation need not be expressly stated in one or all of the references used to show obviousness. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 1025, 226 USPQ 881, 886 (Fed. Cir. 1985); *In re Sheckler*, 438 F.2d 999, 1001, 168 USPQ 716, 717 (CCPA 1971). It is assumed that every reference relies to some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference/references. In other words, the person having ordinary skill in the art has a level of knowledge apart

Art Unit: 3624

from the content of the references. *In re Bode*, 550 F.2d 656, 660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1962). A conclusion of obviousness is established "from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference." *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969). Also see MPEP 2144 entitled "Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103: RATIONALE MAY BE IN A REFERENCE, OR REASONED FROM COMMON KNOWLEDGE IN THE ART, SCIENTIFIC PRINCIPLES, ART – RECOGNIZED EQUIVALENTS, OR LEGAL PRECEDENT."

The Examiner carefully drew up a correspondence of each of Applicants' claimed limitations, one or more referenced passages in Grasso, what is well known in the art and what is obvious to one having ordinary skill in the art at the time the invention was made.

The Examiner is entitled to give limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

*During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<*

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquiries***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Non-Official communications.

Art Unit: 3624

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert  
November 27, 2002



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600